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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

AUG - 1 2005

Ref: 8ENF-L

SENT VIA FACSIMILE AND REGULAR MAIL

John R. Jacus, Esq.
Davis Graham & Stubbs LLP
1550 17th Street, Suite 500
Denver, CO 80202

Re: Hecla Mining Company Apex Site
Docket No. RCRA-8-99-06
Approval of Force Majeure Notice

Dear Mr. Jacus:

Upon receipt and review of the Notice of Force Majeure filed on behalf of your client Hecla Mining Company (Hecla) with the Environmental Protection Agency Region 8 (EPA) on July 19, 2005, EPA approves the plan outlined in the Hecla letter to temporarily suspend Hecla's obligations under the Administrative Order on Consent until the situation is further evaluated.

Specifically, EPA approves Hecla's plan to temporarily discontinue all further reclamation activities outlined in the Closure Plan other than the current dewatering operation until Hecla has had the opportunity to consider its position under its lease with the Shivwits Band of the Paiute Indian Tribe, and respond accordingly to the Bureau of Indian Affairs, Western Region Office's, request that Hecla remove all beneficiation waste in Pond 2 from tribal land.

Please notify Eric Johnson, Environmental Scientist, at (303) 312-6357, or Amy Swanson, Attorney, at (303) 312-6906, of any new developments or ultimate resolution of this matter.

Sincerely,

for Sharon L. Kercher, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

**cc: Chris Gypton, Hecla Mining Co.
John N. Galbavy, Hecla Mining Co.
Glenn Rogers, Shivwits Band of Paiute
Lawrence Snow, Shivwits Band of Paiute
John Krause, BIA Western Regional Office
Lora Tom, Paiute Tribe
Tod J. Smith, Whiteing & Smith**

**bcc: Eric Johnson, 8ENF-RC
Amy Swanson, 8ENF-L
Donna Jackson, 8P-TA**



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EWJ 8ENF-RC
7/28/05

AS
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8ENF-RC
M4 fye
8-1-05